

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

JOSE VILLANUEVA,

Plaintiff, Case No. 23-12872  
v. Hon. Jonathan J.C. Grey  
Magistrate Judge Elizabeth A. Stafford

CODY CRITES, et al.

Defendants.

/

**ORDER ADOPTING REPORT AND  
RECOMMENDATION (ECF No. 29) AND  
DISMISSING DEFENDANT CODY CRITES**

Pro se plaintiff Jose Villanueva filed this 42 U.S.C. § 1983 lawsuit against multiple named and unnamed defendants arising out of his detention at the Parnall Correctional Facility in Jackson, Michigan. (ECF No. 1). Most of the defendants have been dismissed from this action. This matter comes before the Court on Magistrate Judge Elizabeth A. Stafford's Report and Recommendation dated November 7, 2024. (ECF No. 29.) In the Report and Recommendation, the Magistrate Judge recommends that the Court grant defendant Cody Crites' motion for summary judgment for failure to exhaust administrative remedies. (*Id.* at PageID.182, 186.) No party has filed an objection to the Report and

Recommendation.

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions for the proper reasons. Finding no error in the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation in its entirety. Furthermore, as neither party has raised an objection to the Report and Recommendation, the Court finds that the parties have waived any further objections to the Report and Recommendation. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987) (a party's failure to file any objections waives his or her right to further appeal); *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

For the reasons stated above, **IT IS ORDERED** that the Report and Recommendation dated November 7, 2024 (ECF No. 29) is **ADOPTED** as this Court's findings of fact and conclusions of law.

**IT IS FURTHER ORDERED** that Villanueva's cause of action against defendant Cody Crites is **DISMISSED WITHOUT PREJUDICE**.

**SO ORDERED.**

s/Jonathan J.C. Grey  
JONATHAN J.C. GREY  
UNITED STATES DISTRICT JUDGE

Dated: December 16, 2024

**Certificate of Service**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First-Class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 16, 2024.

s/ S. Osorio  
Sandra Osorio  
Case Manager